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09/811,080	03/16/2001	Alexander Hilscher	B-06506	6286

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EXAMINER

SNIDER, THERESA T

ART UNIT PAPER NUMBER

1744

DATE MAILED: 02/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,080

Applicant(s)

HILSCHER ET AL.

Examiner

Theresa T. Snider

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 7-13, 15, 16, 18, 19, 22, 28-33 and 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 14, 17, 20, 21, 23-27, 34, 35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6/01, 9/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 3/17/2000. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement filed 9/13/2002 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The information referred to therein has been considered EXCEPT for those citations not provided.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "7" has been used to designate both interlock canceling element (page 31, line 26) and magnetic encoding (page 32, line 1). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:

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Exemplary of such:

For greater clarity, the appropriate headings (Background of the Invention, Summary of the Invention, ..) should be inserted in the appropriate locations.

Appropriate correction is required.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1- are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, lines 3-4, it is unclear as to what is meant by 'particularly a brush attachment'; is the tool a brush attachment? Should 'attachment be replaced with 'tool' to correspond with line 3?

Lines 1-6, does applicant intend these lines to be the preamble of a Jepson claim?

Line 7, it is unclear as to what is meant by 'characterized in that';

Line 8, it is unclear as to what is meant by an 'interlock' device; interlocks with what?

Line 8, it is unclear as to what is meant by 'interlock canceling' element;

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Line 9, it is unclear as to what is meant by 'in particular and preferably'; is it on the tool or not?

Line 10, 'brushing or' should be inserted after 'the'.

Claim 2, line 2, it is unclear as to what is meant by 'characterized in that';

Line 4, 'brushing or' should be inserted after 'the' (first occurrence).

Claim 3, line 1, it is unclear as to what is meant by 'characterized in that';

Line 4, 'attached' should be replaced with 'coupled' to correspond with claim 1, line 5;

Line 4, 'brushing or' should be inserted after 'attached'.

Claim 4, line 2, it is unclear as to what is meant by 'provision is made for'; is the switch not present?

Line 3, it is unclear as to what is meant by 'preferably on on-off switch of the drive mechanism; can it be a different type of switch for operating something else?

Line 4, 'the encoding detection device' lacks proper antecedent basis;

Line 5, it is unclear as to what constitutes 'upon a positive response'.

Claim 5, line 1, it is unclear as to what is meant by 'characterized in that'.

Claim 6, line 1, it is unclear as to what is meant by 'characterized in that';

Line 2, it is unclear as to what constitutes 'the noncontacting type'.

Claim 14, line 1, it is unclear as to what is meant by 'characterized in that';

Line 2, 'the encoding detection device' lacks proper antecedent basis;

Line 3, 'brushing or' should be inserted after 'the';

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Line 4, it is unclear as to what is meant by 'particularly from the interlock canceling element'; can the signal come from somewhere else?

Line 7, 'brushing or' should be inserted before 'cleaning';

Line 7, it is unclear as to what is meant by 'in particular the interlocking canceling element'.

Claim 17, line 1, it is unclear as to what is meant by 'characterized in that';

Line 2, 'the encoding detection device' lacks proper antecedent basis;

Line 3, it is unclear as to what is meant by 'in particular a circuit or the like'

Line 3, it is unclear as to what constitutes 'or the like';

Line 4, 'respective' should be replaced with 'brushing or';

Line 5, 'attached' should be replaced with 'coupled' to correspond with claim 1, line 5;

Line 5, it is unclear as to what is meant by 'particularly the interlocking canceling element'.

Claim 20, line 1, it is unclear as to what is meant by 'characterized in that';

Line 2, 'the encoding detection device' lacks proper antecedent basis;

Line 3, it is unclear as to what is meant by 'in particular fluid-tight'.

Claim 21, line 1, it is unclear as to what constitutes 'the prior art portion of claim 1';

Line 2, it is unclear as to what is meant by 'characterized in that';

Line 3, it is unclear as to whether the 'an interlock device' is in addition to that of claim 1, line 8 or one in the same;

Line 4, it is unclear as to what is meant by 'associated with';

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Line 4, it is unclear as to what is meant by 'being in particular fastened to or in the handle housing'; is it or is it not on the handle housing;

Line 5, 'the handle housing' lacks proper antecedent basis.

Claim 23, discloses a cleaning tool however simply recites an interlocking element and coupling section; are these elements present on a housing/body?

Line 1, it is unclear as to what is meant by 'in particular a brush attachment'; is the tool a brushing tool?

Line 2, should 'attachment' be replaced with 'tool' to correspond with line 1?

Line 4, it is unclear as to what is meant by 'characterized by';

Line 4, it is unclear as to what is meant by 'interlock canceling element';

Line 5, it is unclear as to what is meant by an 'interlock' device'.

Claim 24, line 2, it is unclear as to what is meant by 'characterized in that';

Lines 3 and 4, it is unclear as to what is meant by an 'acting' member;

Line 6, it is unclear as to what is meant by an 'acting function'.

Claim 25, line 1, it is unclear as to what is meant by 'characterized in that';

Line 5, it is unclear as to what is meant by 'in particular a smart transponder chip'; is it or is it not a chip?;

Line 5, it is unclear as to what is meant by a 'smart' transponder chip.

Claim 26, line 2, it is unclear as to what is meant by 'characterized in that';

Line 3, it is unclear as to what is meant by 'in particular coils';

Line 3, it is unclear as to what is meant by 'are assigned';

Line 4, 'the received signal' lacks proper antecedent basis.

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Claim 27, line 1, it is unclear as to what is meant by 'characterized in that';

Line 3, it is unclear as to what is meant by 'particularly a shaped body'; is it or is it not a shaped body?

Line 3, it is unclear as to constitutes a 'shaped' body';

Line 4, 'the body of the cleaning tool' lacks proper antecedent basis;

Line 7, 'a' should be inserted after 'in'.

Claim 34, line 1, it is unclear as to what is meant by 'characterized in that'.

Line 3, 'the body' lacks proper antecedent basis.

Claim 35, line 2, 'the body' lacks proper antecedent basis;

Line 3, it is unclear as to what is meant by 'preferably releasably'; is it or is it not releasably connected?

Claim 37, line 1, it is unclear as to what is meant by 'in particular toothbrush'; is it or is it not a toothbrush?

Line 2, it is unclear as to whether the 'a handle section' is in addition to that of claim 1 or one in the same;

Line 3, it is unclear as to what is meant by 'each according to claim 1'.

Claim 38, line 1, it is unclear as to what is meant by 'in particular toothbrush'; is it or is it not a toothbrush?

Line 3, it is unclear as to whether the 'a cleaning tool' is in addition to that of claim 1 or one in the same;

Line 5, it is unclear as to whether the 'no interlock canceling element' is in addition to the one of claim 1 or one in the same.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-2, 5, 23 and 34-35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP08-275961.

JP08-275961 discloses a handle section with a drive mechanism having a control device with an interlock device, wherein upon the presence of an interlock canceling element, the drive mechanism may be activated (abstract, fig. 1, #4,5).

With respect to claim 2, JP08-275961 discloses the canceling occurring when a cleaning tool is placed on the handle section (abstract).

With respect to claim 5, JP08-275961 discloses the interlock device operating electronically (abstract).

With respect to claims 23 and 34-35, JP08-275961 discloses the interlock canceling element being located in the body of the cleaning tool (fig. 1, #4).

10. Claims 1-2, 5, 23 and 34-35 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP08-117030.

JP08-117030 discloses a handle section with a drive mechanism having a control device with an interlock device, wherein upon the presence of an interlock canceling element, the drive mechanism may be activated (abstract, fig. 1, #2,3,6).

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With respect to claim 2, JP08-117030 discloses the canceling occurring when a cleaning tool is placed on the handle section (abstract).

With respect to claim 5, JP08-117030 discloses the interlock device operating electronically (abstract).

With respect to claims 23 and 34-35, JP08-117030 discloses the interlock canceling element being located in the body of the cleaning tool (fig. 1, #3).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP08-275961.

JP08-275961 discloses a similar handle section however fails to disclose the canceling element located in the handle section.

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It would have been obvious to one of ordinary skill in the art to place the canceling element in the handle section of JP08-275961 because the mere relocation of parts to perform the same function would have been within the skill of one of ordinary skill in the art.

14. Claims 21 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP08-117030.

JP08-117030 discloses a similar handle section however fails to disclose the canceling element located in the handle section.

It would have been obvious to one of ordinary skill in the art to place the canceling element in the handle section of JP08-117030 because the mere relocation of parts to perform the same function would have been within the skill of one of ordinary skill in the art.

Allowable Subject Matter

15. Claims 3-4, 6, 14, 17, 20, 24-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

It is noted that claims 4, 14, 17 and 20 are rejected because of antecedent problems. It is being assumed since the claim recites the 'encoding detection device' that the claim should be dependent from claim 3 NOT claim 1 and therefore allowable. However, if this is incorrect, an appropriate rejection may be presented in a subsequent office action.

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16. The following is a statement of reasons for the indication of allowable subject matter: the prior art discloses a handle section for cleaning tool having a drive mechanism control device having an interlock device that is canceled by a interlock canceling element HOWEVER fails to disclose or fairly suggest the control device further including an encoding detection device for detecting an encoding of the interlock canceling element, whereby the interlock device is deactivatable in response to a signal from the encoding detection device.

Conclusion


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swatman discloses a dental tool receptacle with a power lockout means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1300.

1/26/2004



Theresa T. Snider
Primary Examiner
Art Unit 1744